

Annual Report



United States District Court for the Northern District of Indiana 2004

Prepared by the Office of the Clerk

Table of Contents

Message from the Clerk.....	3
Statistical Information.....	5
Civil.....	6
Civil Justice Reform Act.....	13
Criminal.....	14
Integrated Case Management System.....	16
Trials.....	17
Jurors.....	18
Personnel.....	19
Finance, Budget and Procurement.....	21
Automation and Technology.....	23
Training.....	24
Happenings in the District.....	25



Message from the Clerk..

The Annual Report of the United States District Court for the Northern District of Indiana is a summary of the many events which have taken place during the 2004 calendar year.

Magistrate Judge Paul Cherry joined the court sitting in the Hammond Division.

Our district held two capital death penalty trials in our Hammond Division.

We created a new courtroom complete with courtroom technology in the Hammond Division which Judge Phil Simon utilizes.

We renovated the 2nd floor chambers in Fort Wayne which is utilized by Judge Theresa Springmann.

Procured and installed assisted listening systems in the Fort Wayne and South Bend courtrooms.

Created an Internet Web Page to keep judge information current.

We held weekly Electronic Court Filing training sessions in every division of our court for the attorneys and their staff.

We conducted training for all staff:

Health Fair;
Code of Conduct;
Pre-Retirement Training;
Court Security Training;
Foundations of Management;
Federal Court Leadership; and,
FJTN Programs on video streaming at each person's computer.

We accomplished all of this within a budget environment which at times verged on becoming a crisis. Nine out of the last 10 fiscal years began with no appropriations bills passed for the judiciary. These delays and continuing uncertainties, along with rising fixed costs, i.e., rent to GSA, resulted in a 6 percent reduction of staff in courts across the nation this year.

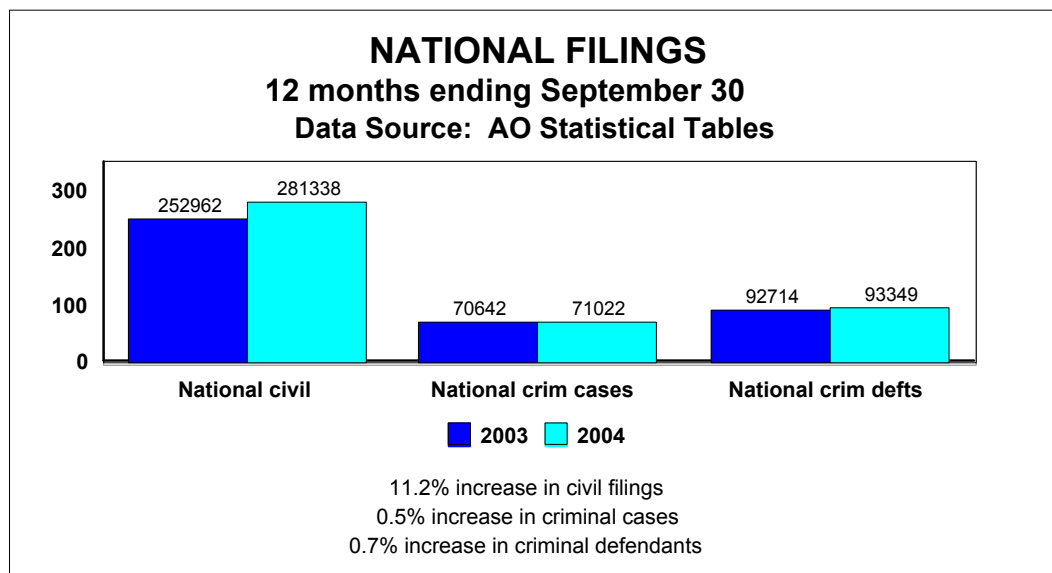
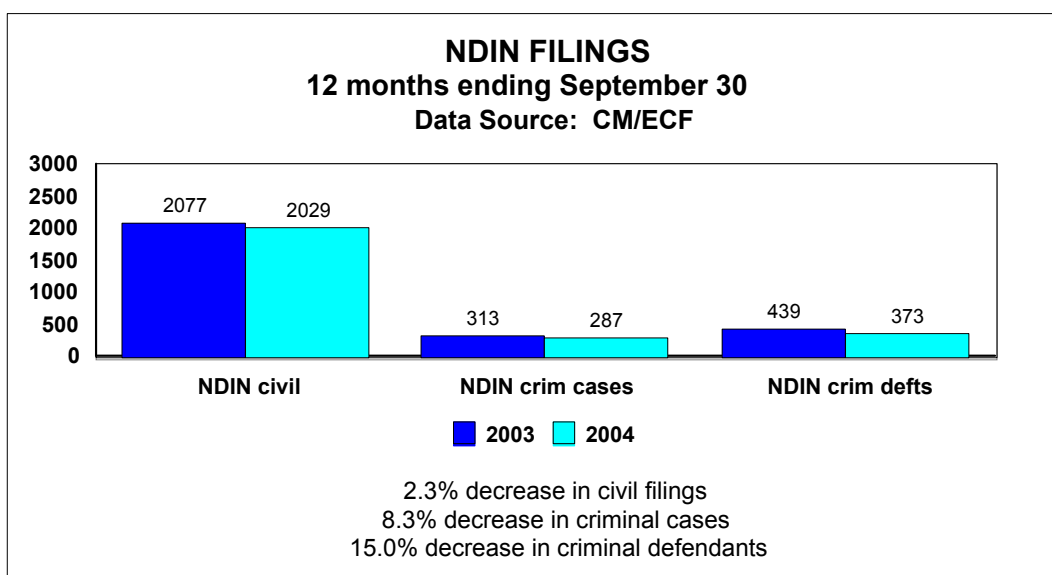
We survived by dedicating ourselves to looking for ways to work more efficiently while reducing costs, but always keeping customer service a priority. Information Technology has allowed us to utilize the resources of our geographically diverse district to benefit the entire district. The decrease of 2.3 percent in civil filings and 15 percent in criminal defendants helped to alleviate a crisis. However, the number of jury trials held increased from 48 in FY 2003 to 75 in FY 2004.

In the past few years we have had to become more concerned about security and decreasing budgets. Despite these issues, our dedication to protecting the rule of law and providing our customers with the service they deserve has not and will not waiver.



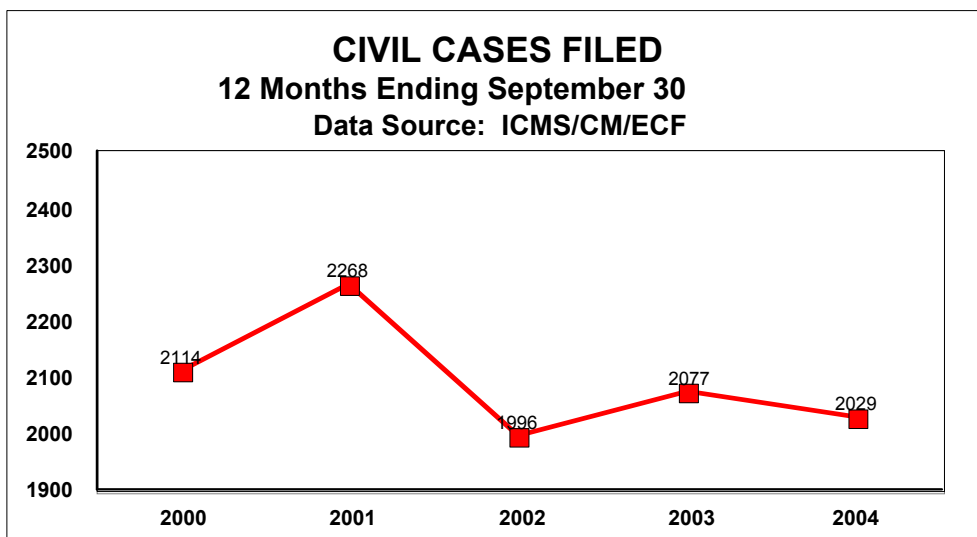
Statistical Information

During fiscal 2004 (October 1, 2003 - September 30, 2004), in district courts nationwide, criminal civil filings increased. In contrast, in the Northern District of Indiana, we saw a decrease in filings of civil cases, criminal cases and criminal defendants. Civil filings in our district decreased by 38 cases (2.3%), criminal cases decreased by 26 (8.3%) and criminal defendants decreased by 66 (15.0%). Nationwide, civil filings increased by 11.2%, criminal cases increased by 0.5% and criminal defendants increased 0.7%.

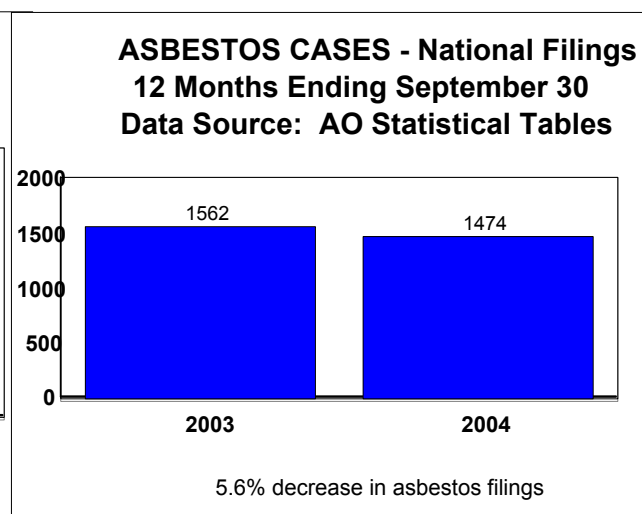
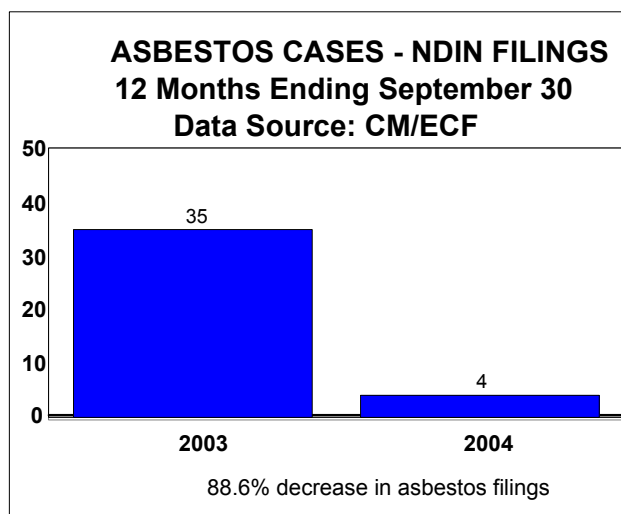


Civil

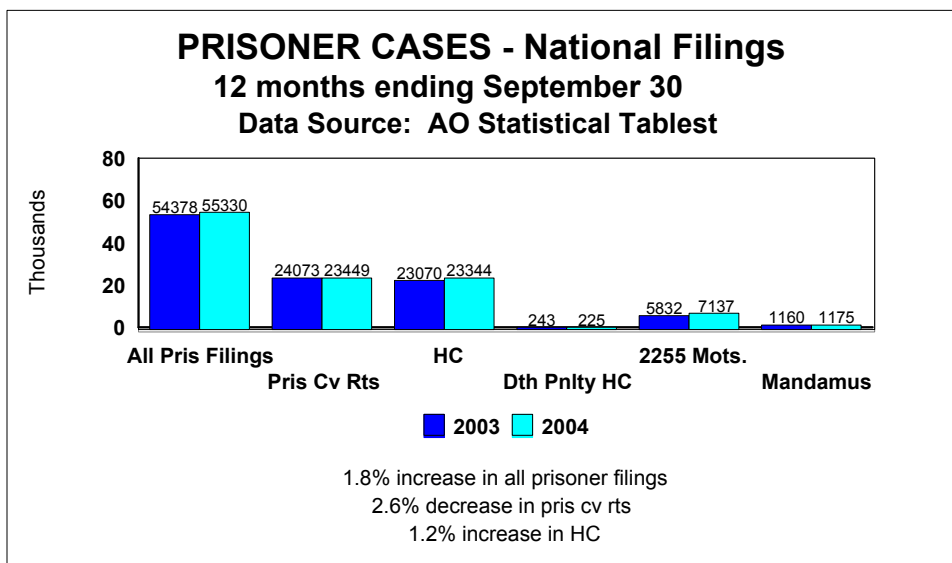
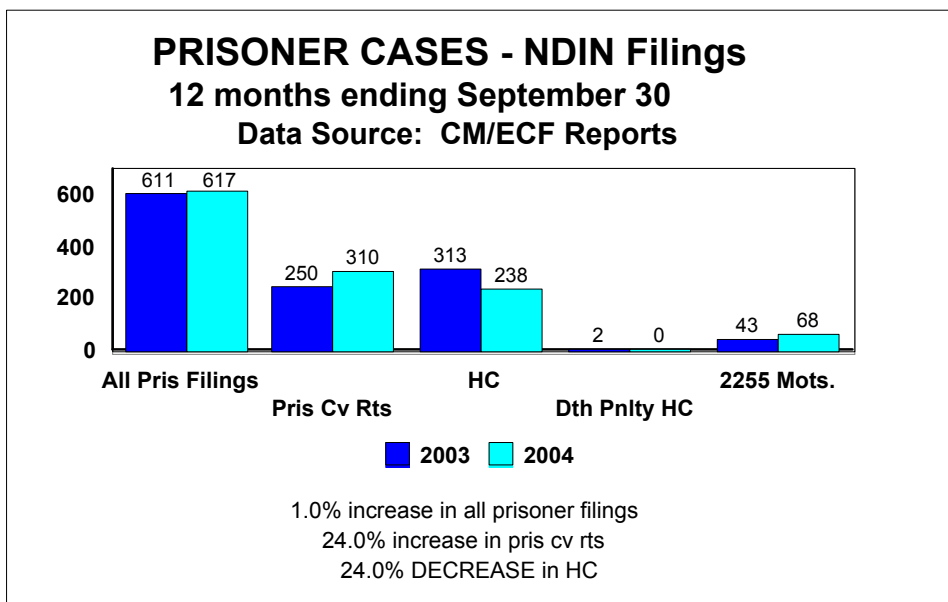
Our civil filings decreased slightly compared to an increase nationwide from 2003 to 2004 (a 2.3% decrease in our district vs. an 11.2% increase nationwide).



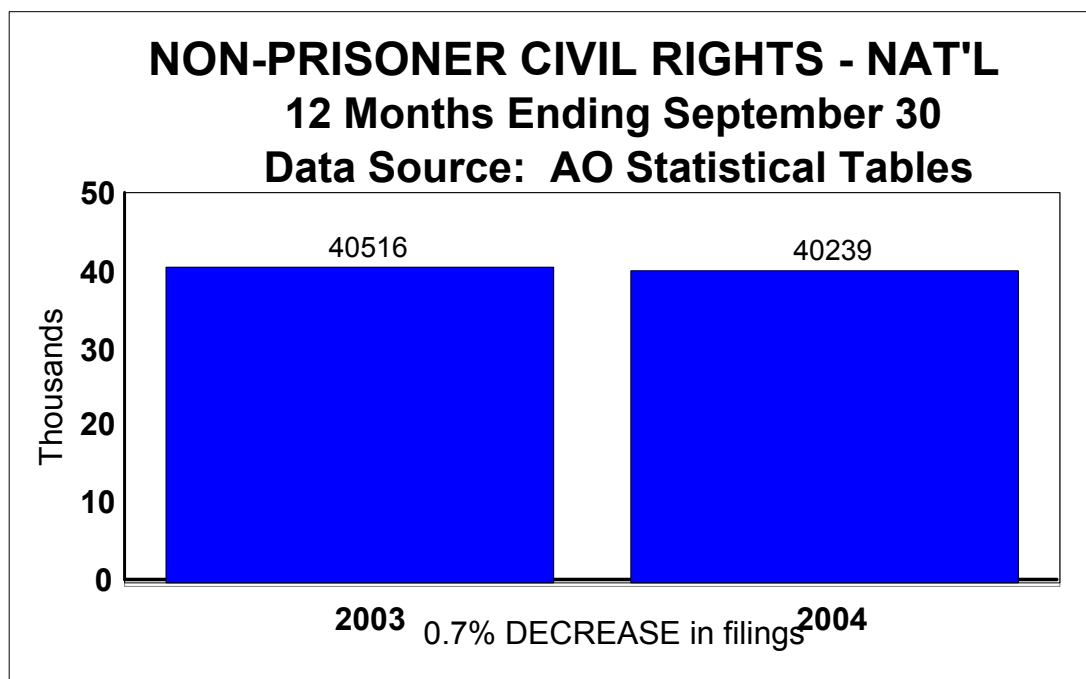
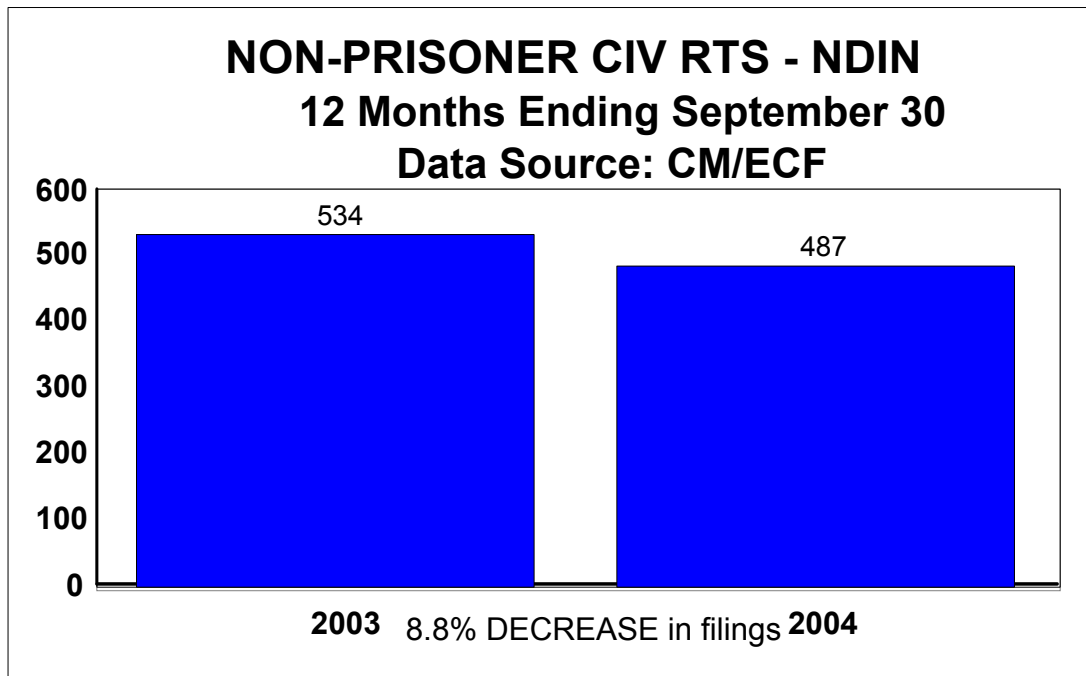
Again this year, filings of asbestos personal injury cases remain quite low (4 this year compared to 35 in fiscal 2003 and 4 in fiscal 2002). Courts nationwide also saw a decrease of 5.6% in asbestos personal injury cases in fiscal year 2004.



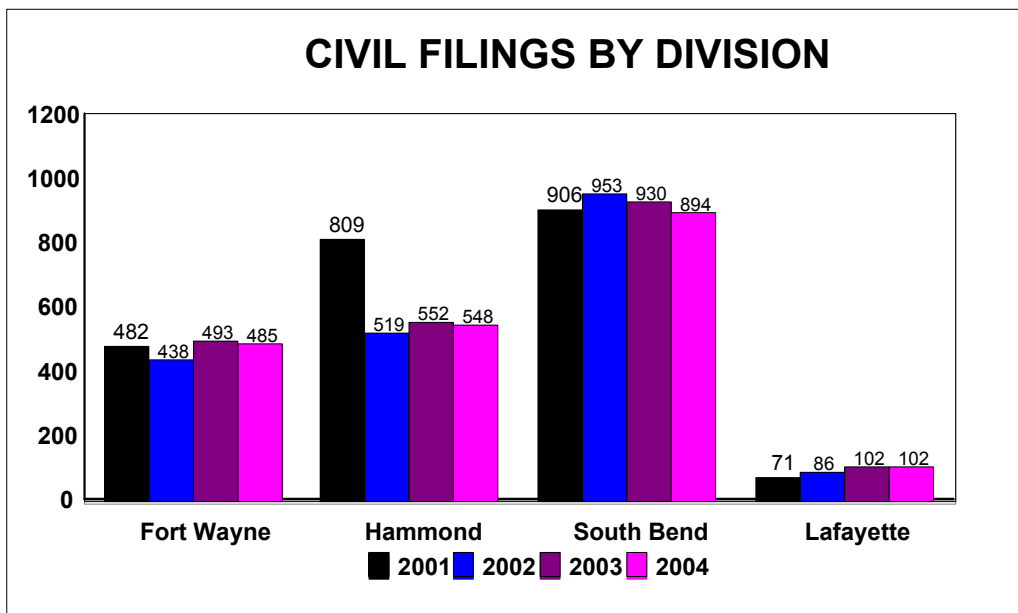
Although we have seen increases in prisoner cases in past years, total prisoner filings remained relatively unchanged at 617 cases for 2004 vs. 611 in 2003 (an increase of 1.0%) An increase in prisoner civil rights cases of 60 cases (24.0%) was offset by a similar decrease of 75 cases (24.0%) in habeas corpus filings. Civil cases filed under §2255 cases increased by 25 (58.1%). Nationwide filings of all prisoner cases increased 1.8%.



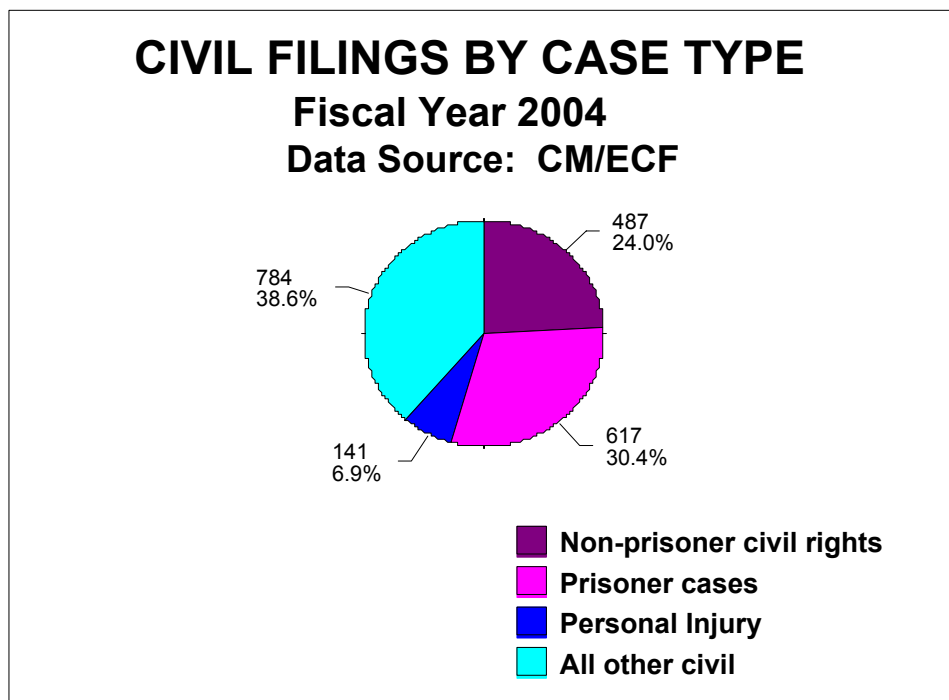
An area where our district continues to see a significant volume of filings is non-prisoner civil rights cases (discrimination in employment cases), although filings in 2004 were down 47 cases (8.8%) from 2003. Nationwide filings of these cases decreased slightly by 0.7%.



The number of civil filings for each division for the past four years is shown on the following chart. All offices except Lafayette, which was unchanged, experienced decreases in fiscal 2004 from fiscal 2003 (Fort Wayne: -1.6%; Hammond -0.7%; South Bend -3.9%). The largest decline was in South Bend, with 36 fewer cases. Fort Wayne had 8 fewer cases and Hammond had 4 fewer.

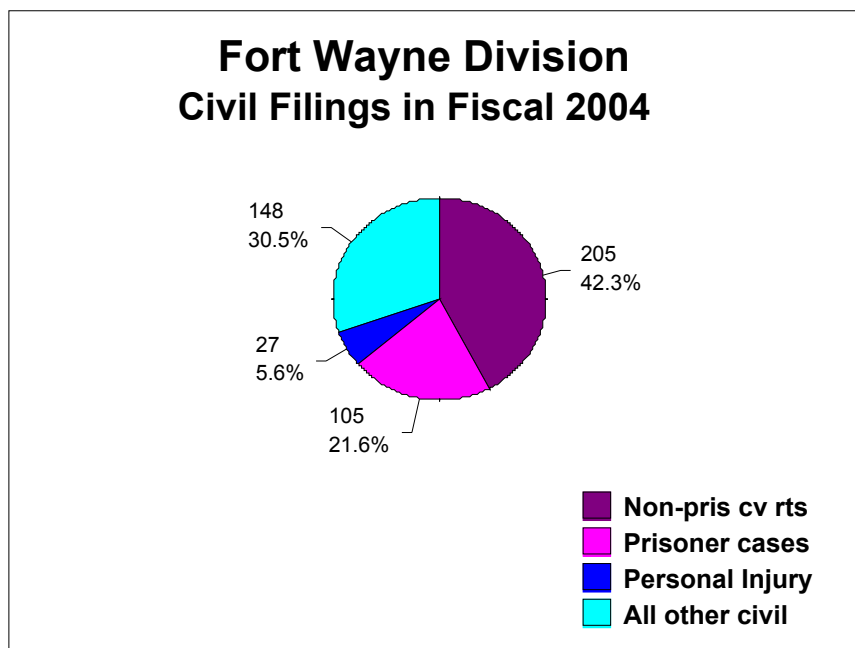


In assessing civil filings by case type for the entire district, the category “other civil” again remains ahead of prisoner cases as the largest percentage for a single type of filing (38.6 % for other civil; 30.4% for prisoner cases), followed by non-prisoner civil rights (24.0%) and personal injury cases (6.9%).

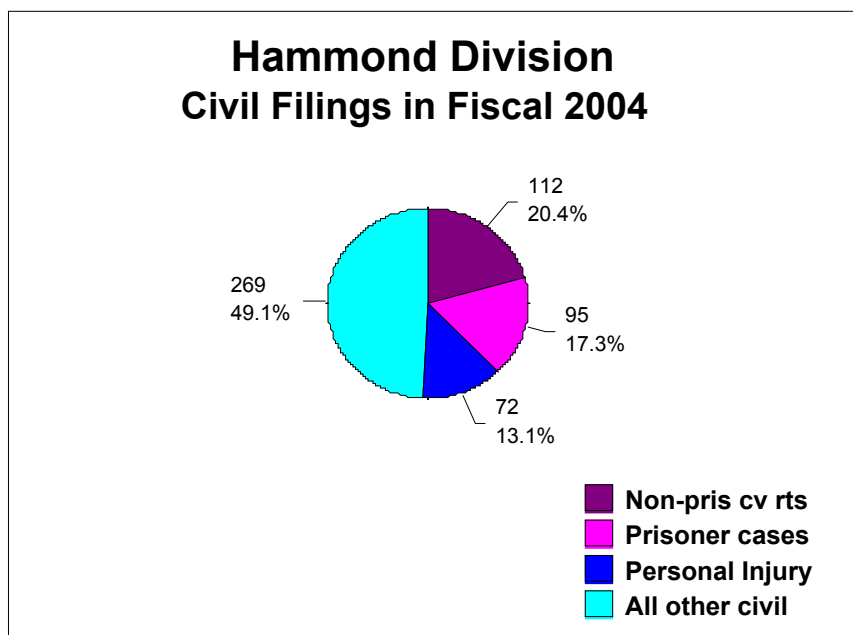


Looking at these same types of cases by division, the mix of civil cases varies with each division.

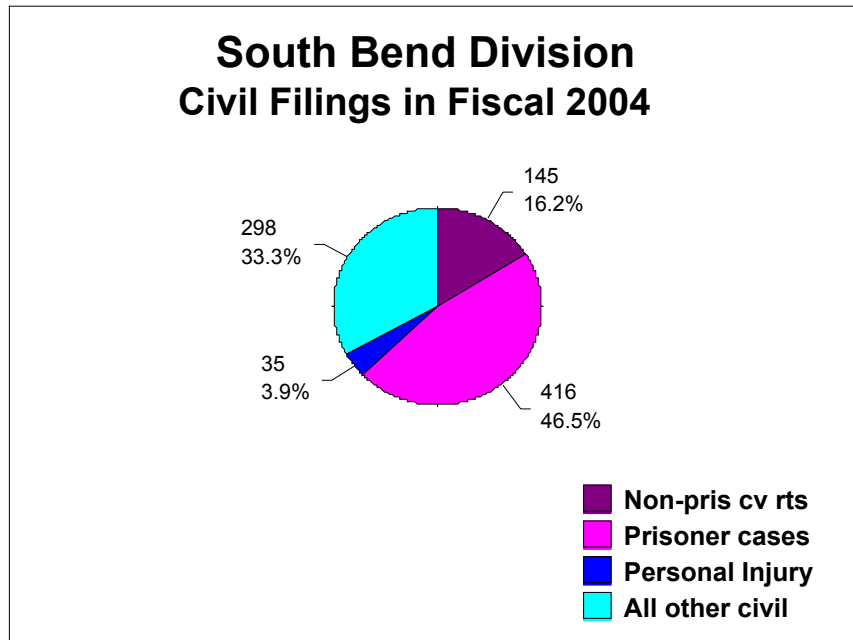
The two categories of civil cases most frequently filed in Fort Wayne are non-prisoner civil rights (42.3%) and other civil (30.5%), comprising 72.8% of total filings in Fort Wayne.



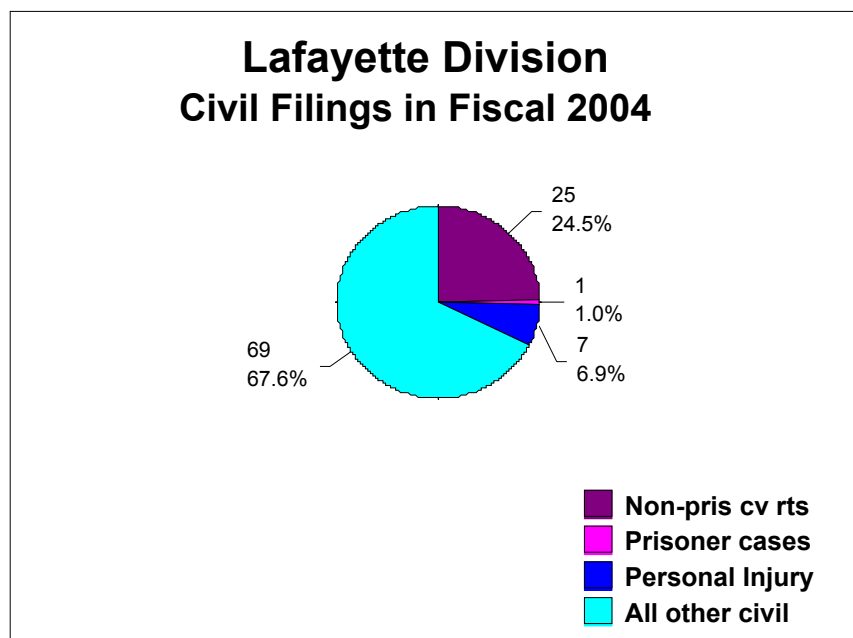
In Hammond, the two categories most frequently filed were other civil (49.1%) and non-prisoner civil rights (20.4%), comprising 69.5% of total filings in Hammond.



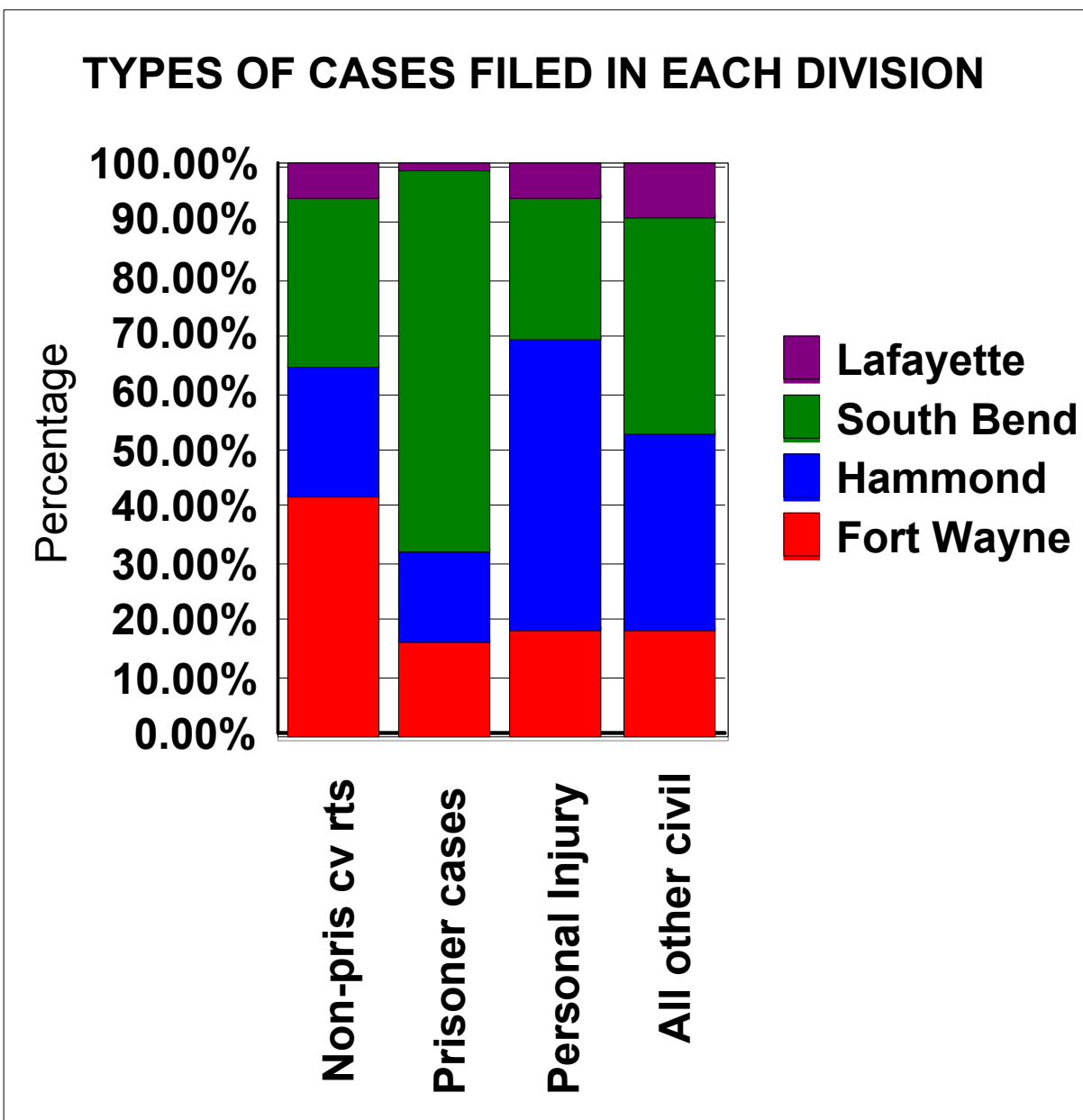
In the South Bend division, prisoner cases continue to comprise the largest category of civil filings (46.5%), with other civil as the second most common case type (33.3%). Together, prisoner cases and other civil comprise 79.8% of South Bend's filings.



In the Lafayette division, the two most common types of civil filings are other civil (67.6%) and non-prisoner civil rights (24.5%), comprising 92.1% of total filings.

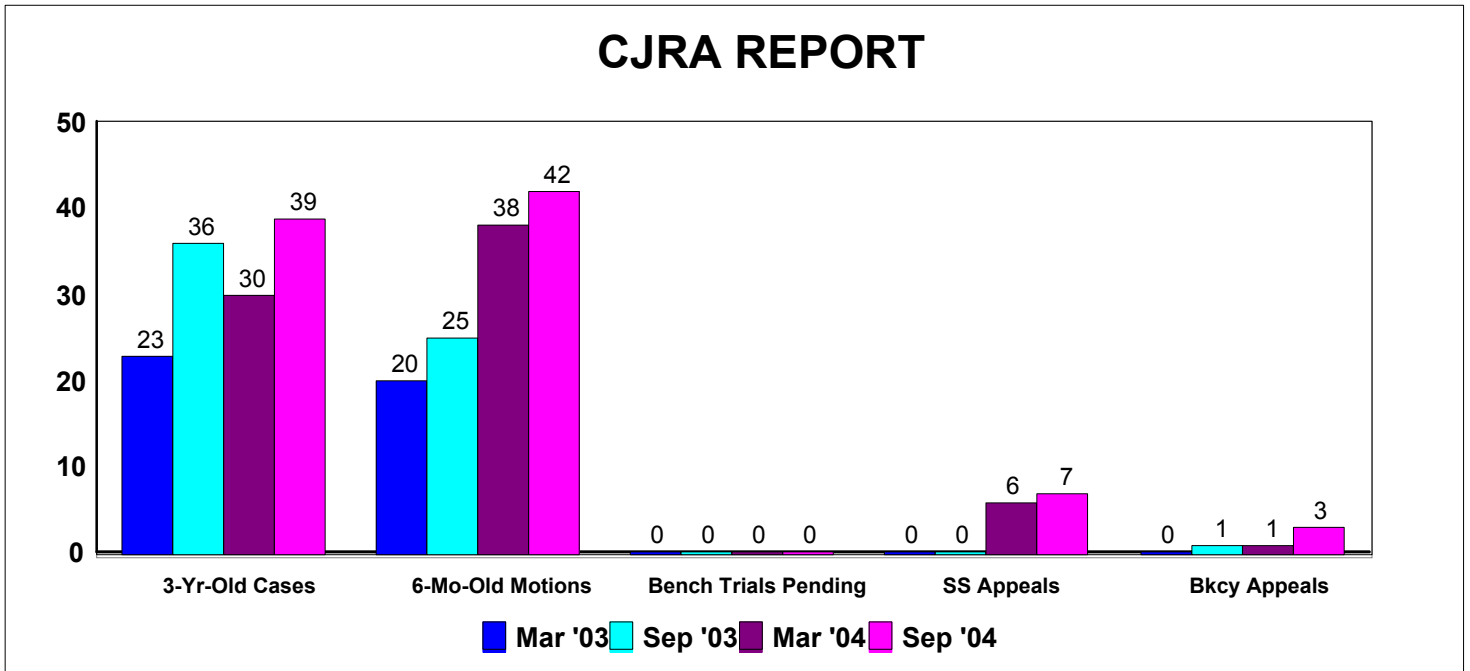


District-wide, the Fort Wayne office had the highest number of non-prisoner civil rights cases (205; 42.09%), the South Bend office had the highest number of prisoner cases (416; 67.42%) and the Hammond office had the highest number of personal injury cases (72; 51.06%) The number of other civil cases filed was divided among the four divisions as follows: Fort Wayne=148 or 18.88%, Hammond=269 or 34.31%, South Bend=298 or 38.01% and Lafayette=69 or 8.80%.



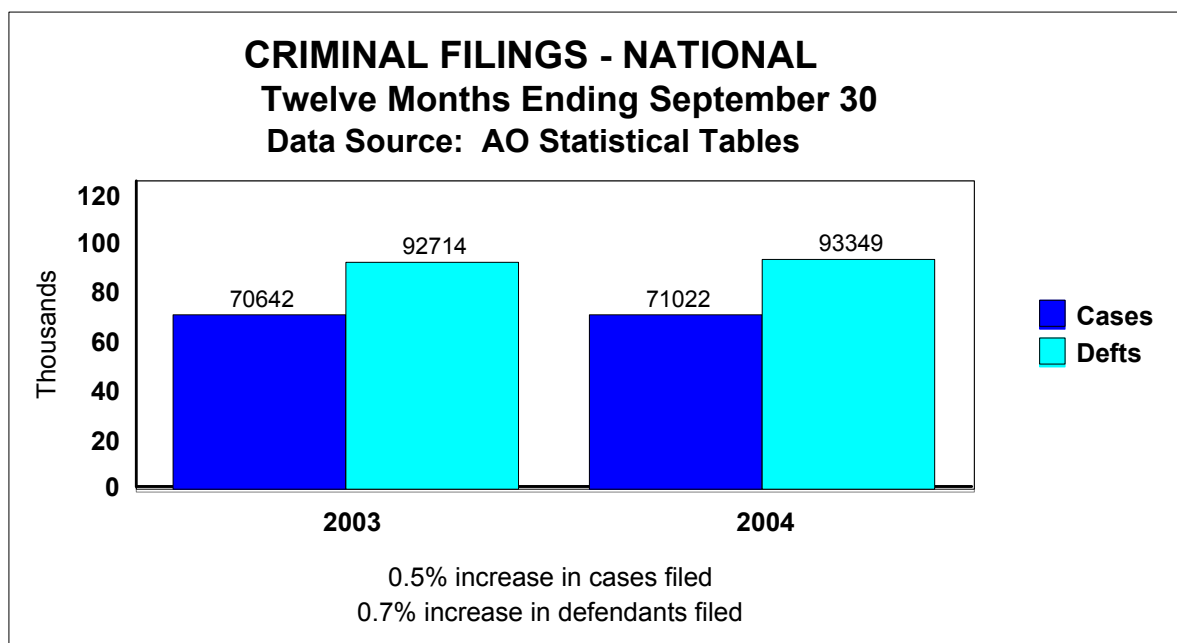
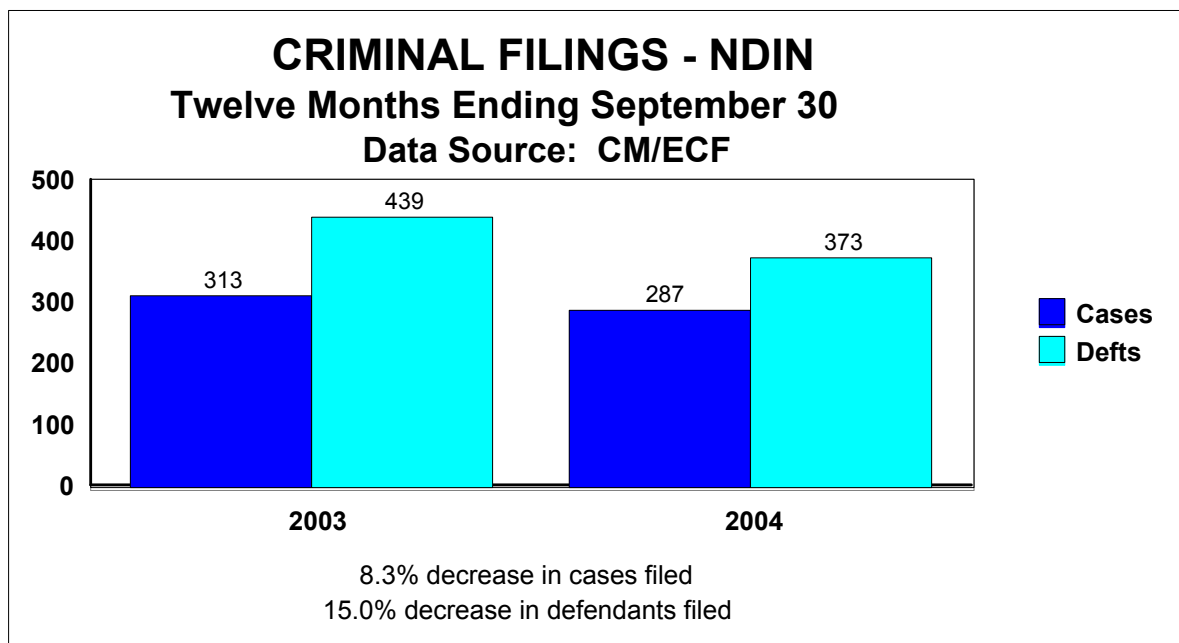
Civil Justice Reform Act

The Civil Justice Reform Act requires status reports from all judicial officers twice each year regarding pending 3-year-old civil cases, 6-month-old motions, bench trials under advisement, bankruptcy appeals and social security appeals. This automated report is mandated by the Judicial Conference.

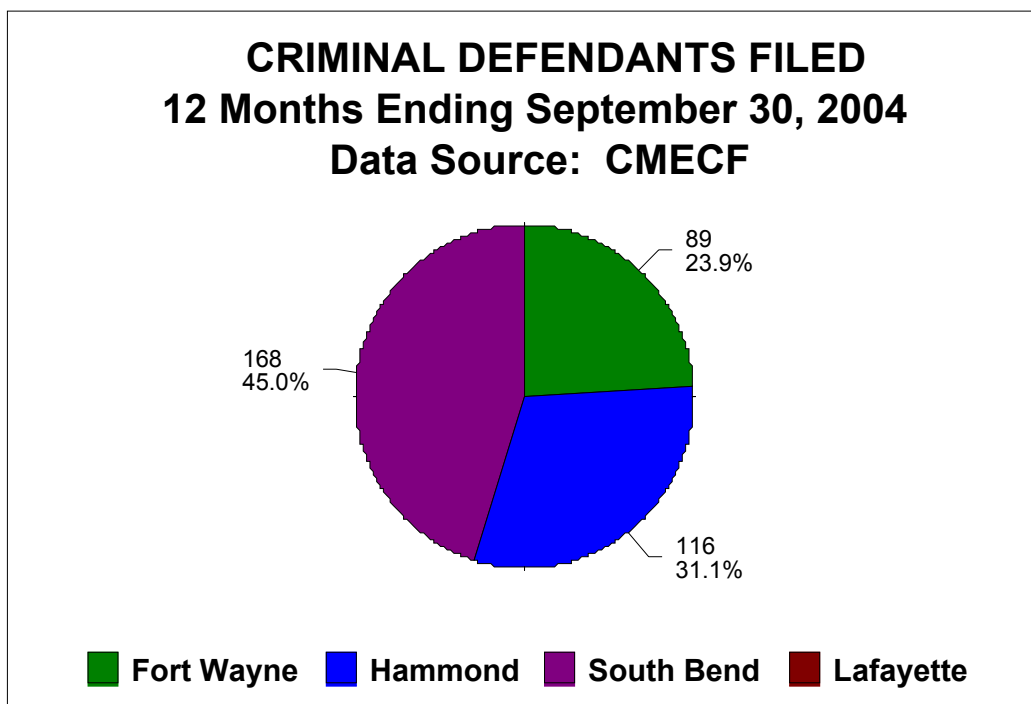
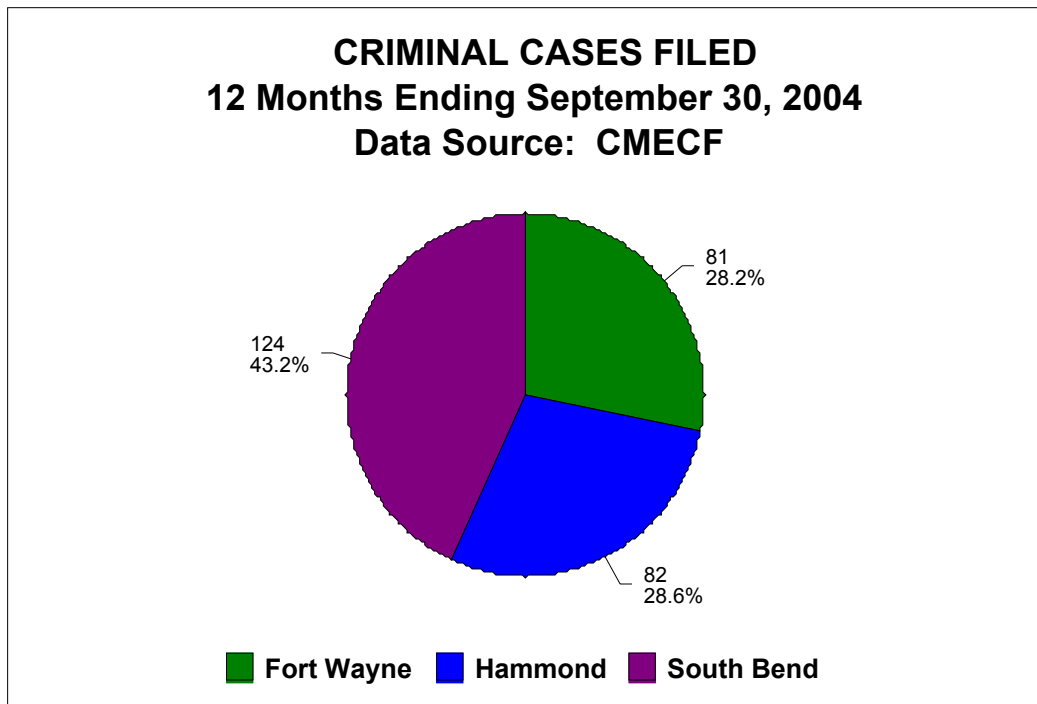


Criminal

Criminal case filings decreased 8.3% and defendants decreased 15.0% in the Northern District of Indiana from 2003 to 2004. This compares with increases of 0.5% and 0.7% in these areas nationwide.

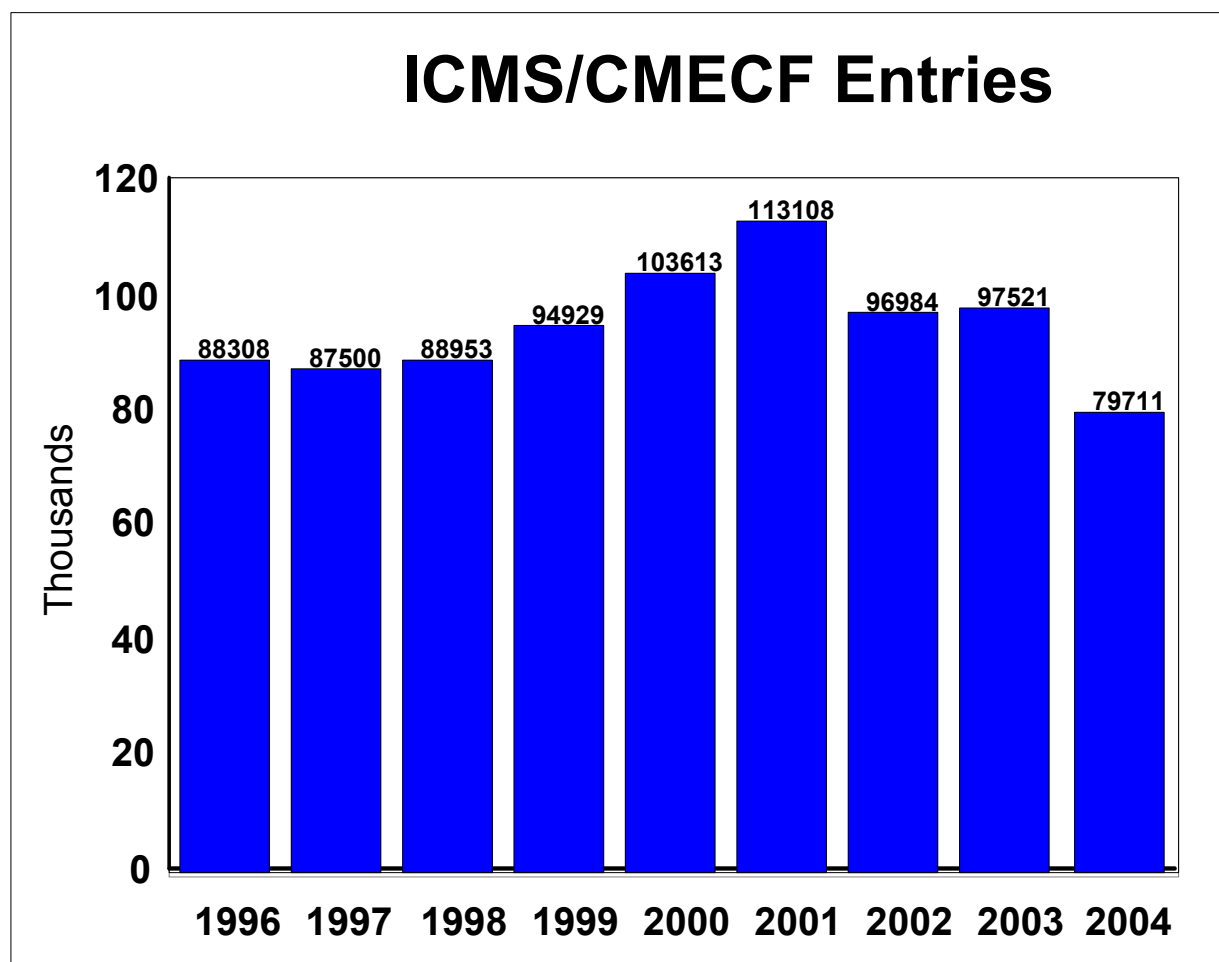


During fiscal 2004, criminal filings in Fort Wayne comprised 28.2% of all criminal cases in the district and 23.9% of defendants. The Hammond division received 28.6% of criminal cases and 31.1% of defendants. In South Bend, criminal cases accounted for 43.2% of all criminal cases and 45.0% of defendants.



Integrated Case Management System

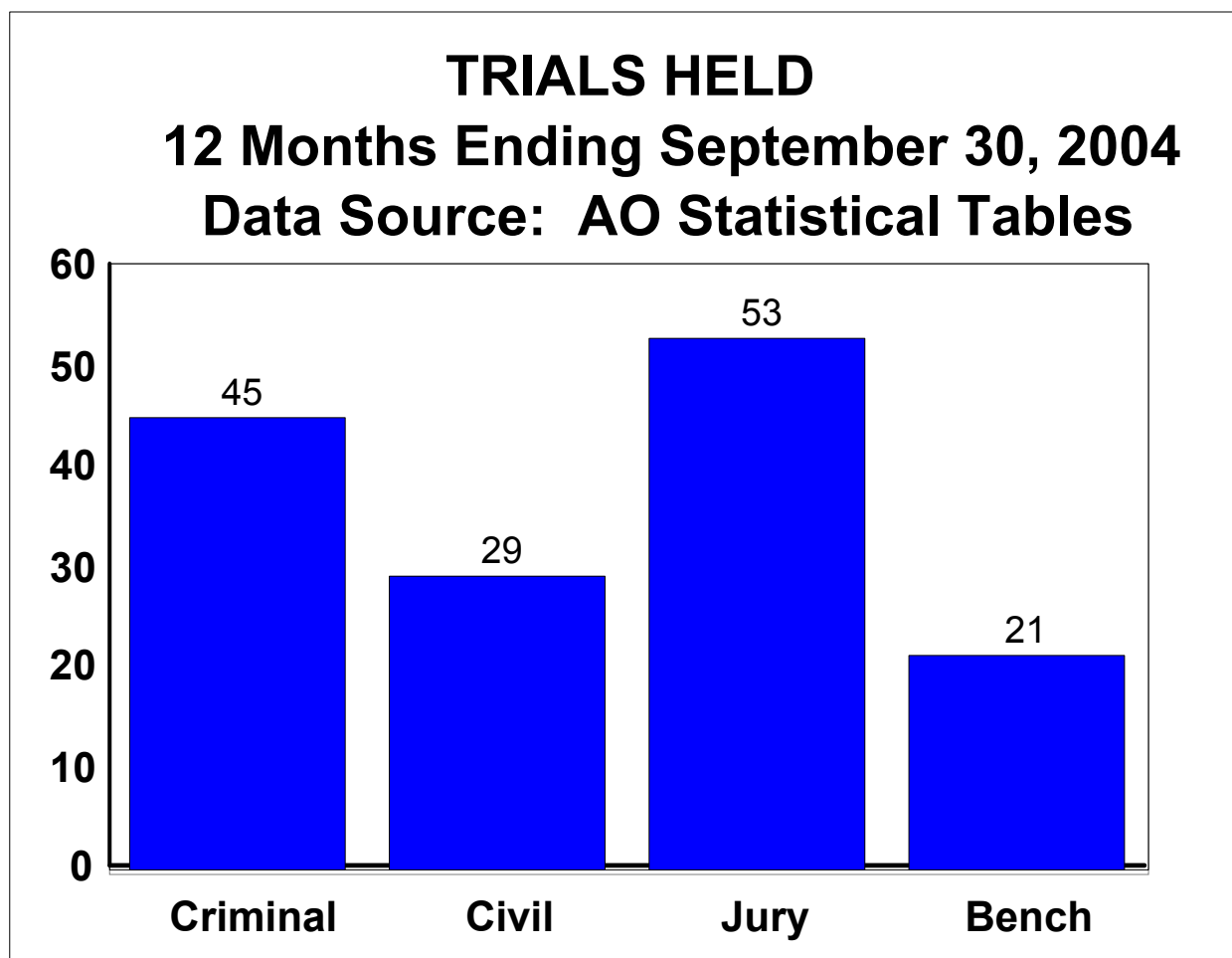
The court's original automated docketing system, ICMS, was implemented in 1992 for civil cases and in 1994 for criminal cases. Through the end of fiscal 2003 (9/30/03), the number of docket entries made in the ICMS system was 980,604. On November 1, 2003, the court migrated to a new automated docketing system called CM/ECF, which includes electronic filing of documents over the internet. Since attorneys may make their own entries in the CM/ECF system, we have seen a gradual decrease in the number of entries made by court personnel.



Trials

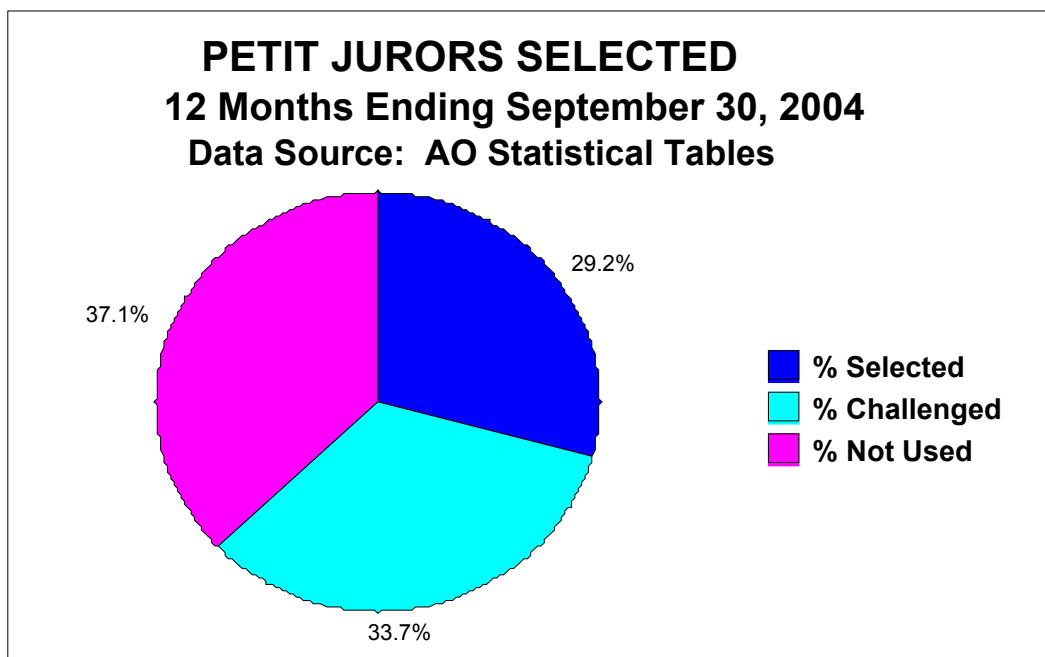
The number of total trials held (jury and bench) in our district during fiscal 2004 was 74, up 68.18% from fiscal 2003 (44 trials). The percentage of civil vs. criminal trials changed from fiscal 2003 to fiscal 2004, with the percent of civil trials at 39.19% and criminal trials at 60.81% (compared to 30.77% and 69.23% respectively last year). Nationwide, criminal trials comprised 52.35% of total trials and civil accounted for 47.65% of all trials.

The percentage of jury vs. bench trials in our district also remained similar from fiscal 2003 to fiscal 2004. The percentage of jury trials was 71.62% in 2004. The percentage of bench/other trials in our district was 28.38% in 2004 (compared to 74.36% and 25.64% respectively last year).



Jurors

During fiscal 2004, a total of 2,323 prospective petit jurors appeared for selection in our district and 75 juries were selected, compared fiscal 2,106 jurors and 48 juries selected in fiscal 2003. Of the jurors who appeared for selection, 29.2% were selected to serve on a jury, 33.7% were challenged and 37.1% were not used. Several years ago the Judicial Conference set a goal of 30% or lower for unused jurors and in fiscal 2004 we moved closer to that goal.



Grand jury activity in fiscal 2004 was similar to the previous year, although the number of grand juries serving our district declined from 7 to 5. These grand juries held 81 sessions and spent a total of 479 hours in session, a slight increase in activity from what we saw in fiscal 2003 (7 grand juries, 78 sessions and 439 hours). The average number of grand jurors per session was 20.5 and the average length of a session was 5.9 hours, about the same as fiscal 2003 (20.7 jurors and 5.6 hours per session).

GRAND JUROR ACTIVITY					
	# Grand Juries	# Sessions Convened	Total Hours in Session	Average #Jurors per Session	Average #Hours per Session
FY2003	7	78	439	20.7	5.6
FY2004	5	81	479	20.5	5.9
% Change	-28.6%	0.038	0.091	-1.0%	0.054

Personnel

There were numerous changes in personnel this year, throughout the district.

- After 27 years Kathryn Brooks retired from her position as Division Manager in the Fort Wayne Division February 2.
- Lana Melton was promoted to Division Manager in the Fort Wayne Division February 9.
- Jennifer Johnson was promoted to Courtroom Deputy to Hon. Theresa Springmann on February 23. Jennifer was a Docket Clerk in the South Bend Division and relocated to Fort Wayne.
- Ben Ruf joined the Systems Staff on March 8 as an Automation Support Specialist. Ben is located in the Fort Wayne Division.



- Kim Cather began work as a Docket Clerk in the South Bend Division April 19.



- Larry Hornsby resigned from his position as law clerk with Hon. Roger Cosbey on July 23.
- Jill Story began her employment with Hon. Roger Cosbey as a law clerk on July 26.

- Alice Springer joined the court as law clerk to Hon. Christopher Nuechterlein August 9.
- Peter Lantka's last day as a law clerk with Hon. Christopher Nuechterlein was August 13.
- Justin Sandberg ended his term as a law clerk with Hon. Robert Miller August 13.
- Mark DeMonte began his employment as a law clerk with Hon. Robert Miller August 16.
- Kelly Hartzler started with the court as a law clerk to Hon. Andrew Rodovich August 30.
- Jennifer Ortiz completed her term as a law clerk with Hon. Rudy Lozano September 3.
- Kevin Gillen resigned from his position as law clerk to Hon. Philip Simon September 3.
- Kendra Shearer joined the staff as a law clerk with Hon. Rudy Lozano September 7.
- Heather Vanderberg joined the staff of Hon. Philip Simon as a law clerk September 7.
- Mary Ann Thomas resigned from her position with the Financial Staff September 24.
- John Wright joined Hon. Allen Sharp's staff as a law clerk October 4.
- Pat Miller was promoted to Courtroom Deputy to Magistrate Judge Andrew Rodovich November 29. Pat was a Docket Clerk in the Hammond Division
- Jennifer Drewry resigned from her position as law clerk to Hon. Allen Sharp November 26.
- Joan Holderman retired December 3 after nearly 22 years with the court. She served as Courtroom Deputy to Hon. Andrew Rodovich.



- Jill Story resigned from her position as law clerk to Hon. Roger Cosbey on December 3.
- Mariah Moran & Thomas Ratcliffe, law clerks to Hon. Allen Sharp & Rudy Lozano respectively, resigned from their positions December 31, 2004. Both have served as additional law clerks during death penalty trials that were held in the Hammond in 2004.

Finance Budget & Procurement

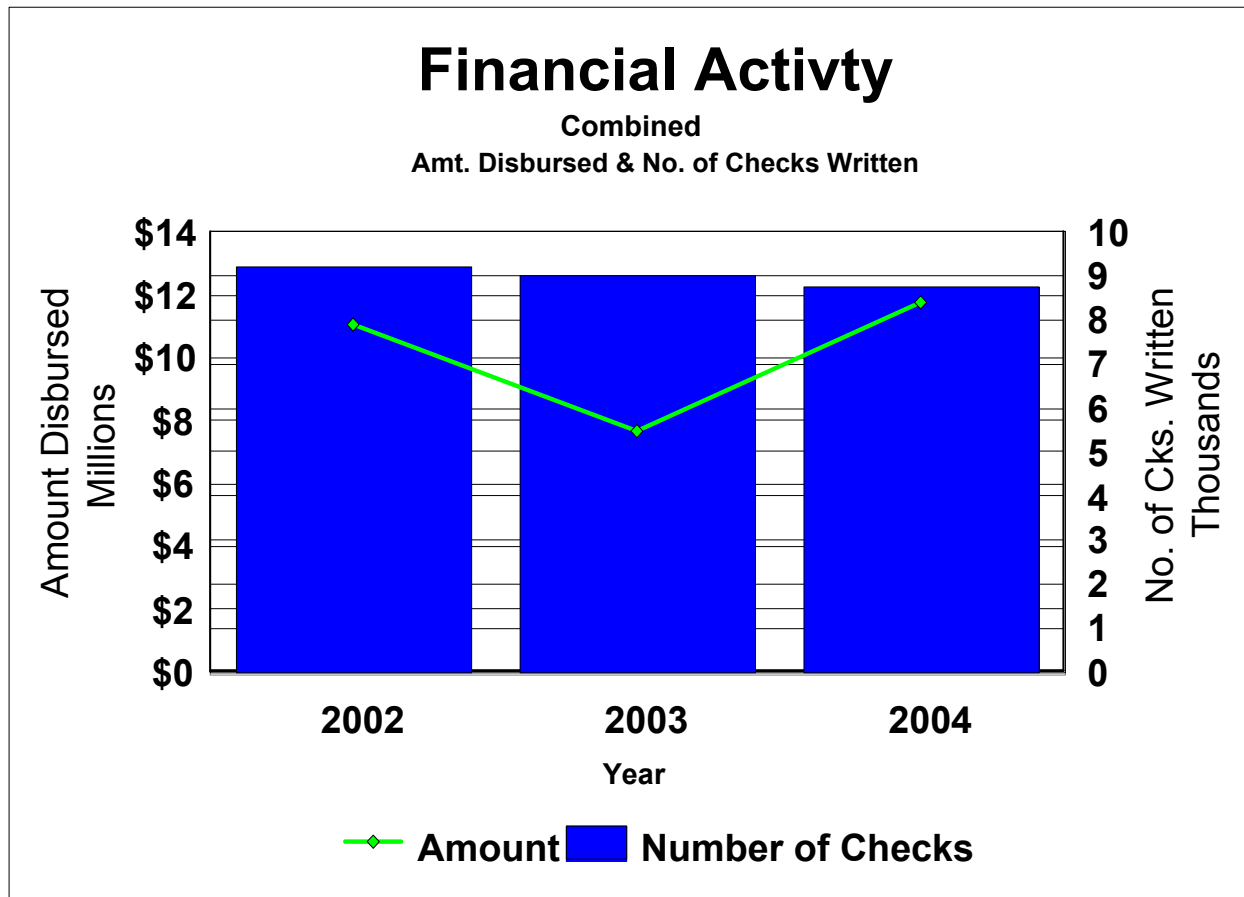
In fiscal year 2004 the court welcomed Magistrate Judge Paul Cherry to fill the vacancy left in Hammond during fiscal year 2003 when Judge Theresa Lazar Springmann was elevated to Article III Judge and relocated to our Fort Wayne Division.

Some of the major projects included:

- ▶ Purchase and installation of new furniture and furnishings for Judge Cherry in Hammond.
- ▶ The new courtroom build out for Judge Simon was completed and he and his staff relocated to their new chambers.
- ▶ Judge Springmann and staff relocated from the Fort Wayne visiting judge chambers on the first floor to her newly remodeled chambers on the second floor.
- ▶ Funded plans to renovate the second floor courtroom in Fort Wayne for Judge Springmann.
- ▶ Installed new air conditioner unit in the first floor server room in South Bend.
- ▶ Funded the installation of a new galley for Magistrate Judge Roger Cosbey in Fort Wayne.
- ▶ Funded new carpet, paint and corner guards for the first floor secure hallways in South Bend
- ▶ Funded replacement carpeting for the visiting judge chambers in Fort Wayne.
- ▶ Purchased three new infrared (wireless) courtroom assisted listening systems that were installed in the first floor courtroom in Fort Wayne and the second floor courtrooms in South Bend and Lafayette.
- ▶ Three new Aeron chairs were purchased for the Pro Se Law Clerks.



The Chart below shows the Financial Activity for our District in 2004.





Automation & Technology

A_{utomation} update for 2004

- Hired a New Automation Support Specialist for the Fort Wayne Division.
- Implemented the New CM/ECF Version of 2-3.
- Upgraded Lotus Notes platform to a Windows 2003 Machine.
- Rolled out an enhanced Internet Web Page to keep up to date Judge Information.
- Implemented new streaming video services to Court users.
- Began testing and implementation of Novell 6.5.
- Upgraded network infrastructure in the South Bend Division to gigabit.
- Upgraded all Court users to Wordperfect 12.
- Implemented Lotus Sametime to facilitate communication between staff.
- Implemented Track-It inventory program.
- Cyclical replacement of Computers.

C_{ourtroom} Technology

- Procured, Wired, Installed and programmed Courtroom Technology system in Judge Simon's New Courtroom.
- Procured, Installed and programmed assisted listening systems in South Bend and Fort Wayne Courtrooms.
- Installed Integrated Video Conferencing system into Judge Allen Sharp's Courtroom.
- Installed Video Conference and Touchpanel Control system in the Clerks Office to allow Lafayette to join in on District Wide Video Conferences.
- Installed Video Conferencing equipment in the Lafayette Division.
- FTR Gold systems were installed in the Hammond Magistrate Courtrooms.
- Helped in designing, specification writing and actual move of Courtroom Technology system from one bankruptcy courtroom to another in Hammond.
- Installation of a Ceiling Mounted Projector, Screen and A/V cabling in the South Bend CM/ECF training room.

Training

The Clerk's office continued to view training as a priority in 2004. Due to budgetary restraints training had primarily been limited to in-house and Federal Judicial Center (FJC) training. The CM/ECF Committee, Case Management Deputy Clerks Committee and the Manual Committee were additional avenues to educate staff on policies and procedures. These committees are comprised of clerk's office staff. Clerk's office staff continued to provide CM/ECF training to attorneys and their staff. The hard work and dedication of our staff in participating in these committees and providing training to attorneys has been outstanding. Video streaming continued to be an effective means to provide training to all court personnel. Our district wide training committee comprised of District, Probation and Bankruptcy Personnel continued to work together to determine joint training needs and provide training programs to benefit all our staff. By pooling our limited training funds with Probation and Bankruptcy we were able to hire a retirement consultant to do a district wide pre-retirement seminar. Some of the training programs offered in 2004 included the following:

- * CM/ECF Training for Attorneys
- * Health Fair
- * Code of Conduct for Judicial Employees
- * Pre-Retirement Seminar
- * The Art of Possibility with Benjamin Zander
- * Marshal Service Court Staff Safety Training
- * One Minute Management Skills for Future Supervisors
- * Foundations of Management Program
- * Federal Court Leadership Program
- * FJTN Programs via video streaming



Group breakout sessions during the Code of Conduct Training.

Happenings in the District

On January 23rd Judge Rodovich presided over a Naturalization Ceremony held at the Hobart High School.



Magistrate Judge Rodovich giving remarks.



A musical

the group Wolfgang from Hobart High School

number from

On February 6th Judge Springmann held a Naturalization Ceremony in Fort Wayne.



Citizens taking the oath Allegiance



Judge Springmann with the Daughters of the American Revolution.

On June 14th there was a Investiture Ceremony for Judge Paul Cherry.



Judge Simon, Senior Judge Moody, Chief Judge Miller, Judge Lozano and Judge Springmann preside over the ceremony.



Judge Cherry taking the oath from Chief Judge Miller.

On August 13th a group of students from Gavitt High School came for a tour of the Hammond Division.



Judge Lozano takes a group photo with the students.

On August 14th the Employee Recognition Picnic was held in Columbia Park in Lafayette.



Ben Ruf leads everyone in singing God Bless America



Staff and family waiting to hear if their number was called for a door prize.



Todd Steiner selects his door prize, a gift certificate from Judge Springmann.

On a warm and hazy September 3rd Judge Paul Cherry held a Naturalization Ceremony in Lafayette. The Naturalization program is the opening ceremony with the Global Fest held every year in Lafayette.



Magistrate Judge Cherry giving opening remarks.

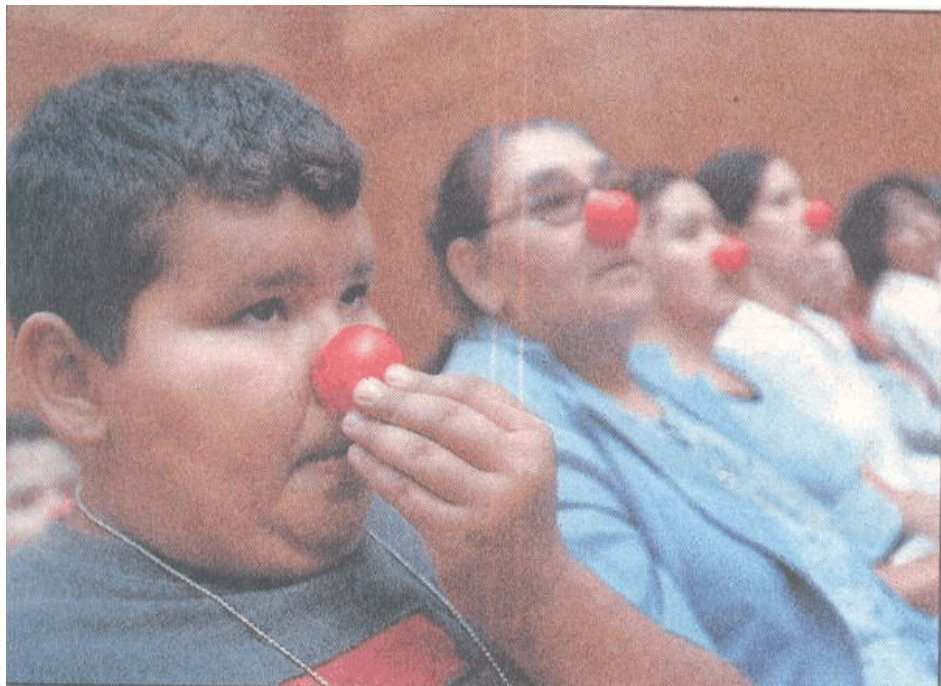


The Purduettes singing God Bless America's Freedom.

On September 8th, the Hammond Division participated in the Time Out for Reading Program, an International program to promote the importance of reading and literacy.



Senior Judge Moody (with his red nose on) reads the Preamble to the Constitution to students. A student read the Preamble in Spanish to make the program bilingual.



Participants put on their red noses to prepare for the program. The idea is to put your nose in a book.

On September 17th a local group of Boy Scouts visited the Hammond Courthouse to earn their citizenship badges.



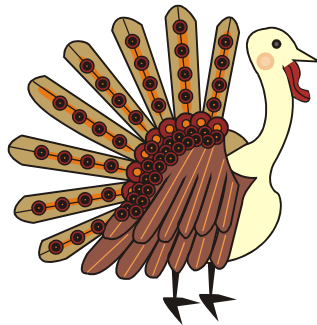
The Boys Scouts stand as Judge Lozano comes into Court.



The Boy Scout Troop takes a photo with Judge Lozano on his bench.

On October 20th Senior Judge Lee, Judge Springmann and Magistrate Judge Cosbey hosted a CM/ECF Update and Appreciation Luncheon at the Summit Club for those of the local bar who had registered and were embracing CM/ECF. The purpose of this luncheon was two-fold. First to show our appreciation for their cooperation and to get their feedback, and secondly to give them somewhat of a preview of what was coming, with public access to criminal files and the related redaction requirements. The luncheon was well attended and the feedback received from those attending was positive and encouraging.

On November the 17th Lafayette held it's Annual Thanksgiving carry-in luncheon for the entire Charles A Halleck Federal Building.



On December 10th the South Bend Division held it's traditional ornament exchange. The most unusual ornament this year was a ten dollar bill turned into an ornament.



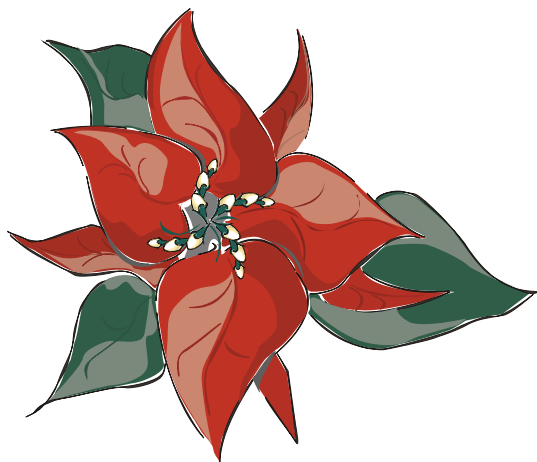
Alice Springer shows her ornament that she received.

On the afternoon of December 10th the annual South Bend Division Wide Luncheon was held at the College Football Hall of Fame.



Magistrate Judge Christopher Neuchterlein, Mrs Margaret Grant and Mary Ann Solomon enjoy the lunch party. Judge Robert & Mrs Margaret Grant started the tradition of the Federal Family holiday luncheon in December, 1957.

On December 14th the Lafayette Division held it's Annual Christmas luncheon.



The Fort Wayne division began the holiday season by participating in their annual Christmas project by purchasing gifts for the young residents at Crossroad Children's Center. Their annual division wide holiday luncheon was held on December 15th at the Summit Club.

Students from Deer Ridge Elementary School began the holiday festivities by singing carols in the Courthouse Atrium.



On December 21st the Hammond Division held their Annual Holiday Luncheon and Children's Party in the Atrium.



Mary Kerkman's daughter Alyssa, receives her gift from Santa



Nicole Markley, daughter of Diane Markley receives her gift from Santa.